

EXHIBIT E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY OF)
CALIFORNIA, a corporation,)
)
Defendant.)

THE REGENTS OF THE UNIVERSITY OF)

CALIFORNIA, a corporation,)

Cross-Complainant,)

vs.)

CALIFORNIA BERRY CULTIVARS, LLC,)

DOUGLAS SHAW, and KIRK LARSON,)

Cross-Defendants.)

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POSITION OF KIRK DA
T. J. GALLAGHER

, Saturday

Reported by:

Gail E. Kennerly CSR 4583 CCPR

Tab No 2511067

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THE REGENTS OF THE UNIVERSITY OF)
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THE REGENTS OF THE UNIVERSITY OF)
CALIFORNIA, a corporation,)
)
Cross-Complainant,)

vs.)
)
)
CALIFORNIA BERRY CULTIVARS, LLC,)
DOUGLAS SHAW, and KIRK LARSON,)
)
Cross-Defendants.)

Video-Recorded Deposition of Kirk David Larson,
Ph.D., Volume I, taken on behalf of Defendant at 3161
Michelson Drive, 8th Floor, Irvine, California, beginning
at 10:17 a.m., and ending at 2:59 p.m., Tuesday,
January 3, 2017, before Gail E. Kennamer, CSR 4583, CCRR.

1 APPEARANCES :

2

3 For Plaintiff and Cross-Defendants :

4

5 JONES DAY

6 BY: SHARYL A. REISMAN, ESQ.

7 250 Vesey Street

8 New York, New York 10281-1047

9 212.326.3939

10 sareisman@jonesday.com

11

12

13 For Defendant and Cross-Complainant :

14

15 MORRISON FOERSTER

16 BY: JACOB P. EWERT, ESQ.

17 425 Market Street

18 San Francisco, California 94105-2482

19 415.268.6438

20 jewerdt@moffo.com

21

22

23 ALSO PRESENT :

24 Joann Yager, Videographer

25

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10:17 a.m.

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4

5 VIDEO OPERATOR: Good morning. We are on the 10:17
6 record at 10:17 a.m. on January 3rd, 2017. My name is
7 Joann Yager, here with our court reporter, Gail Kennamer.
8 We are here from Veritext Legal Solutions at the request
9 of counsel for defendant.

10 This deposition is being held at 3161 Michelson Drive 10:17
11 in the city of Irvine, California. Case caption,
12 California Berry Cultivars, LLC versus the Regents of the
13 University of California. Case Number 3:16-cv-02477-VC.

14 Please note that audio and video recording will take
15 place unless all parties agree to go off the record. 10:18

16 Microphones are sensitive and may pick up whispers,
17 private conversations, and cellular interference.

18 I am not authorized to administer an oath. I am not
19 related to any party in this action, nor am I financially
20 interested in the outcome in any way.

21 If there are any objections to proceeding, please
22 state them at the time of your appearance.

23 May we please have introductions beginning with the
24 witness.

25 Your name, sir. 10:18

1 THE WITNESS: Kirk David Larson. 10:18

2 MS. REISMAN: Sharyl Reisman, Jones Day on

3 behalf of CBC, Kirk Larson, and Doug Shaw.

4 MR. EWERDT: Jake Ewerdt with

5 Morrison & Foerster on behalf of the Regents of the 10:18

6 University of California.

7 VIDEO OPERATOR: The witness may be sworn in.

8

9 KIRK DAVID LARSON, Ph.D.

10 a witness herein, having been administered an oath, was

11 examined, and testified as follows:

12

13 -EXAMINATION-

14

15 BY MR. EWERDT: 10:19

16 Q. Good morning, Dr. Larson.

17 A. Hello.

18 Q. Please state your full name for the record and

19 spell it.

20 A. Kirk David Larson. K-i-r-k. David, D-a-v-i-d. 10:19

21 L-a-r-s-o-n.

22 Q. Where do you live, Mr. Larson?

23 A. 12695 Barrett Lane, Santa Ana, California 92705.

24 Q. Have you had your deposition taken before?

25 A. Never. 10:19

1 A. Sure. 10:23

2 Q. You retired from the University of California in
3 November of 2014; right?

4 A. 2014, I think there's more details there maybe.

5 Q. What details are you looking for? 10:24

6 A. Just clearing up the possible -- Well, I guess
7 I'll leave it at that.

8 Q. Would it be helpful if I asked if you retired
9 from the University of California on November 7th, 2014?

10 A. That would be nice. 10:24

11 Q. Okay.

12 A. Yeah.

13 Q. Is that your recollection that you retired from
14 the University of California on November 7, 2014?

15 A. Yes. 10:24

16 Q. And you were employed by the University of
17 California for 23 years when you retired?

18 A. No.

19 Q. How long were you employed with the university
20 when you retired? 10:24

21 A. I started July 1st -- July 1st, 1991.

22 And I left the university -- Let me think now. Let
23 me think.

24 Q. Was it November 7, 2014 that you left the
25 university? 10:25

1 A. Seven. 2014. 7. 7th of -- um. 10:25
2 MS. REISMAN: Dr. Larson, when you can't
3 remember, you can just say, "I don't remember."
4 THE WITNESS: Yeah, I don't remember right now.
5 BY MR. EWERDT: 10:26
6 Q. Did you leave the -- retired from the University
7 of California at the same time as Dr. Shaw?
8 MS. REISMAN: Objection. Foundation. I
9 don't -- If you know, that's fine. If you don't know
10 exactly when, that's fine too. 10:26
11 THE WITNESS: It should be 2014. Seventh of --
12 7. Gee, just working on it all this time.
13 MS. REISMAN: Dr. Larson, it's just fine. You
14 can just say, "I don't recall." That's just fine.
15 THE WITNESS: Okay. 10:26
16 MS. REISMAN: You don't know. You don't recall.
17 BY MR. EWERDT:
18 Q. When you were employed at the university, you
19 worked for the University of California strawberry
20 breeding program; correct? 10:26
21 A. Yes.
22 Q. You worked at the South Coast Research and
23 Extension Center; correct?
24 A. Yeah.
25 Q. And that was in Irvine, California? 10:26

1 related to the University of California? 10:35

2 MS. REISMAN: Objection. Form. Vague.

3 THE WITNESS: I -- I'm not quite getting --

4 Okay. I heard -- No one told me. Somebody said, "Well,

5 there is a person in -- I don't know -- Vermont or 10:36

6 Massachusetts. They had -- they had, you know -- you

7 know, if you are an apple person, you know, and you try

8 and be an apple person, well, you know, we try to be a

9 strawberry people, you know. So when people come in and

10 they don't know strawberries, it's going to take them a 10:36

11 long, long, long, long time to understand what strawberry

12 culture is in California, and it's really very

13 complicated. I'll just tell you that, you know. And

14 there's about maybe five or six people in the world maybe

15 have that kind of knowledge. I'm not one of them, but I'm 10:36

16 kind of close to them, but not, you know --

17 MS. REISMAN: Dr. Larson, we can -- We'll let

18 Mr. Ewerdt ask some more questions so then you can answer

19 those --

20 THE WITNESS: Great. 10:37

21 MS. REISMAN: -- questions.

22 THE WITNESS: Okay.

23 MS. REISMAN: Thank you.

24 BY MR. EWERDT:

25 Q. You told me earlier you started at the 10:37

1 University of California on July 1st, 1991.

10:37

2 Do you remember that?

3 A. Yes.

4 Q. How much strawberry experience did you have when
5 you started at the University of California?

10:37

6 A. I had very little.

7 Q. How long did it take you to get the type of
8 experience you're now talking about for the California
9 strawberry experience?

10 MS. REISMAN: Objection to form.

10:37

11 THE WITNESS: Well, I'll tell you this. You
12 know a person named Doug Shaw?

13 BY MR. EWERDT:

14 Q. I do, yes.

15 A. Okay. During about ten years, Doug Shaw really
16 came out, brilliant, a brilliant man. Somebody that I
17 would really admire quite a lot, and there's very few
18 people like that. I'm not one of those people. So I'm
19 getting close there, you know, and so I don't know. So 14
20 years or something like that, 15 years, 14 years. And
21 then -- and then I was out of the university. I think
22 that was the trail.

10:37

10:38

23 Q. When you were at the university, did you receive
24 checks from the university for your salary?

25 A. Checks? I had a salary, yes.

10:38